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10/27/17

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

OCT 27 2017

David J. Bradley, Clerk of Court

United States of America

v.

Misaël Ramirez

Case No.

H17-1633

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 6, 2017 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

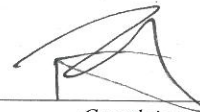
18 U.S.C. § 2252A (a)(2)(B)

Offense Description

Any person who knowingly receives or distributes any material that contains child pornography that has been mailed, or using any mean or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Robert J. Guerra, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: October 27, 2017

Judge's signature

City and state: Houston, Texas

Stephen Wm. Smith, USMJ

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Robert J. Guerra, being duly sworn, hereby depose and state the following:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since November 2005. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest and performing other duties imposed by law. During my assignment with the FBI, I have participated in the execution of search warrants for documents and other evidence, including computers and electronic media, in cases involving child pornography and the sexual exploitation of children. I have investigated many cases involving child pornography and the sexual exploitation of children. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal sexual exploitation of children laws in which computers were used as the means for receiving, transmitting and storing child pornography as defined in Title 18, United States Code, Section 2256.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached Complaint and therefore contains only a summary of the relevant facts. I have not included each and every fact known by me concerning the individuals and events described herein. The information contained in this affidavit is based on my firsthand knowledge as well as information obtained through witness interviews conducted by me or other Law Enforcement Officers or Special Agents of the FBI and a review of various records.

3. An increasingly common method of file storage is known as “cloud storage.” In cloud storage, users upload their data to remote commercial servers. Each user is allocated a predetermined amount of storage and that storage is dedicated to a single user account. The storage space is typically accessed by entering a username or email address and a password.
4. Dropbox is a popular file-hosting service operated by Dropbox, Inc., headquartered in San Francisco, California, that offers cloud storage, file synchronization, personal cloud, and client software. Dropbox allows users to create a special folder on each of their computers or mobile devices, which Dropbox then synchronizes so that it appears to be the same folder (with the same contents) regardless of which device is used to access and view it. Files placed in this folder also are accessible via the internet websites and mobile phone applications.
5. On August 15, 2017, The National Center for Missing and Exploited Children (NCMEC) received a complaint via their CyberTipLine from DropBox. CyberTip Report 23339832 was reported to the NCMEC CyberTipLine by DropBox as a result of over 100 files depicting child pornography being posted to a DropBox account. Said DropBox account was created by a user using the email address isolatedcat@gmail.com and the Screen/User name “Homo Yolol”.
6. DropBox confirmed that all files referenced in CyberTip Report 23339832 were viewed by DropBox, prior to the submission to NCMEC, in accordance with their standard course of procedures. DropBox also confirmed that all files associated with the CyberTip Report 23339832, were being made publically available, meaning the files were being shared with

whomever the creator of the account provided a link to access the DropBox folder. In CyberTip Report 23339832, DropBox stated that on March 6, 2017, at 21:55:02 UTC, the account was created. Between the dates of March 6, 2017, and August 11, 2017, there were over 100 files of suspected child pornography uploaded to the DropBox account associated with the email address isolatedcat@gmail.com. There were several IP addresses logged by DropBox that were used not only to login into the DropBox account associated with the email address isolatedcat@gmail.com, but were also used to upload suspected child pornography files to said DropBox account. Some of the most recent IP addresses used to login into said DropBox account as provided by DropBox are 50.171.65.201 and 2601:2c7:8280:8a7:4c76:9105:7c46:c467, which both resolve to Comcast Communications.

7. I have reviewed all of the files that were uploaded to the DropBox account associated with the email address isolatedcat@gmail.com and determined that all of the files depicted child pornography as defined by Title 18, United States Code, Section 2256. Below is a description of five files that meet the federal definition of child pornography that were uploaded to the DropBox account associated with the email address isolatedcat@gmail.com.

- a. "Video 2016-05-12, 5 46 27 PM.mp4"- This is a video file that is 1 minute and 10 seconds in length, depicting a minor female, who appears to be under the age of 8, being orally penetrated by an adult male's penis.
- b. "9f819565-13c9-4beb-9aa6-521f2ae65e9f.mp4" - This is a video file that is 37 seconds in length, depicting a minor female, who appears to be under the age of 10, being anally penetrated by an adult male's penis.

- c. "File 5-31-16, 5 58 33 PM.mp4" - This is a video file that is 1 minute in length, depicting a minor female, who appears to be under the age of 10, being vaginally penetrated by an adult male's penis.
 - d. "Video 2016-05-18, 2 15 34 PM.mp4" - This is a video file that is 29 seconds in length, depicting a minor female, who appears to be under the age of 12, being vaginally penetrated by an adult male's penis.
 - e. "5d6d3be5-e963-418e-9766-1355df1e713f.mp4" - This is a video file that is 12 seconds in length, depicting a minor female, who appears to be under the age of 5, being orally penetrated by an adult male's penis.
8. On September 6, 2017, an administrative subpoena was served to Comcast Communications to provide information pertaining to the subscriber assigned the IP address 50.171.65.201 on June 5, 2017, at 22:23:47 UTC as well as the subscriber assigned the IP address 2601:2c7:8280:8a7:4c76:9105:7c46:c467 on August 11, 2017, at 22:30:16 UTC. On September 6, 2017, Comcast Communications responded with the following information for both IP addresses requested in the subpoena:
- | | |
|------------------|---|
| Service Address: | 1901 Westcrest Drive
Houston, TX 77055 |
| Type of Service: | High Speed Internet |
| Account Number: | 8777703175863458 |
| Account Status: | Active |
| E-mail User IDs: | cesarcoxic@comcast.net |
9. On October 27, 2017, FBI Houston executed a federal search warrant at the aforementioned residence in Houston, Texas. Upon the execution of the search warrant, Misael Ramirez was identified and subsequently interviewed by SA Robert J. Guerra and

SA Ryan J. Shultz. After being advised of his *Miranda Rights*, Ramirez agreed to make a statement. Ramirez advised that he had created a DropBox account with the email isolatedcat@gmail.com and had uploaded/placed videos of child pornography to that DropBox account. Ramirez stated there would not be child pornography on any of his devices located inside the residence.

10. Ramirez identified himself as a registered sex offender to the interviewing agents. Ramirez stated he had been previously arrested for the Possession of Child Pornography in 2014. Ramirez stated he was sentenced to two years in prison and was released in 2016.
11. Ramirez explained that he had utilized the chat application KiK to receive and distribute child pornography with users of that chat application. Ramirez stated he could remember at least one occasion where he provided a link to his DropBox account to another user of the KiK application so that he/she could access the child pornography files stored on his DropBox account. Ramirez stated he had received DropBox links from multiple users of the KiK application. Ramirez admitted to accessing said links in order to view the files that were being shared by that user. Ramirez stated he would then select the files he wanted to transfer to his own DropBox account. Ramirez stated he had been viewing and receiving child pornography shortly after being released from jail.
12. Ramirez acknowledged that possessing, distributing, and receiving child pornography was wrong and illegal, but he continued to take part in those activities via DropBox. Ramirez was under the impression that he was not actually in possession of the material if the child pornography was stored on his DropBox account. Ramirez stated he was just curious about different kinds of pornography to include child pornography.

13. Ramirez stated the child pornography that was stored in his DropBox account was as a result of his doing and no one else's. Ramirez provided the interviewing agents with the passwords for both his isolatedcat@gmail.com email account and his DropBox account containing the child pornography videos.

CONCLUSION

14. Based on all information set forth above, your Affiant believes there is probable cause to believe that on or about March 6, 2017, Misael Ramirez, was in violation of Title 18 U.S.C. § 2252A (a)(2)(B) the distribution of child pornography.



Robert J. Guerra, SA, FBI

Subscribed and sworn before me this 27th day of October 2017.



Stephen Wm. Smith
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States of America

v.

Misael Ramirez

Case No.

H17-1633

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) Misael Ramirez
 who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Title 18 USC 2252A (a)(2)(B) -the distribution of child pornography.

Any person who knowingly receives or distributes any material that contains child pornography that has been mailed, or using any mean or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

Date: October 27, 2017


Issuing officer's signature

City and state: Houston, Texas

Stephen Wm. Smith, USMJ

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title